

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 09-CR-01753 JB

BRITTNEY VASQUEZ,

Defendant.

**APPEAL OF DETENTION ORDER**

The Defendant, Brittney Vasquez, through her attorney, Michael A. Keefe, Assistant Federal Public Defender, respectfully requests that this Court enter an order releasing her from custody pursuant to 18 U.S.C. §3145(b).

As grounds for this request, the Defendant states:

1. The Defendant was charged with violation of conditions of supervised release in a petition filed on October 21, 2011.

2. On December 2, 2011, the Defendant appeared before this Court and admitted to violation number one and the government agreed not to pursue violations number two and three in the petition. The Court indicated that the Defendant's supervised release was revoked. Defense counsel then requested that sentencing be scheduled for a later date. This request was based on a desire to seek treatment placement for the Defendant.

3. The Defendant is presently in custody at the Torrance County Detention Center and has been held in custody at that location. The Defendant was arrested on October 27,

2011 and has remained in custody at that location for the entire time following her arrest. The defendant has been in custody at this time for approximately five months.

4. Defense counsel has focused his efforts on trying to secure placement for the Defendant at the Crossroads Program in Carlsbad, New Mexico. This is a four month residential treatment program that allows young mothers to have their younger children with them at the treatment program. Ms. Vasquez would only be allowed to have her two younger children with her and the older child would remain with her grandmother in Santa Fe and continue to attend school.

5. Coordinating placement at the program has been challenging based on the Defendant's custodial status and the need for updated information at the program and also due to the fact that the program only has ten bed spaces available and there is a long waiting list.

6. Defense counsel was recently informed that the program has conducted a telephonic interview with the Defendant and that she has been approved for the program. However, at present there is no bed space available until at the earliest May 2012. The Defendant is not guaranteed the first bed space available and it is uncertain when she could actually be admitted to the program although May 2012 appears to be the earliest.

7. Defense Counsel was informed on March 29, 2012, that the Crossroads Program just changed its requirements for admission. The Program will only accept mothers of babies less than one year old, or who are pregnant. Ms. Vasquez does not qualify.

8. It is requested that Ms. Vasquez be released on an ankle bracelet back to her grandmother's custody in Santa Fe, New Mexico pending placement in a treatment program. Defendant has made an admission that she violated her conditions of supervised release by using heroin and marijuana however, the Defendant and her family members have all indicated that a major part of her problem stems from her contact with the father of her children. Apparently he is a drug user and Ms. Vasquez has determined that she will no longer associate with him.

9. Ms. Vasquez still requests that she be allowed to attend a residential treatment program, however, she also would ask the Court to allow her a short amount of time at home prior to relocating to a treatment program so that she can spend some time with all three of her children prior to her treatment.

10. Defense counsel has contacted United States Probation Officer Karl Acosta and Mr. Acosta is opposed to this request.

11. Defense counsel has also contacted Assistant United States Attorney Joel Meyers and he also opposes this request.

WHEREFORE, it is requested that this Court release the Defendant from custody to the third party custody of her grandmother Cathy Quintana in Santa Fe, New Mexico.

I HEREBY CERTIFY THAT on March 29, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

AUSA Joel Meyers

Respectfully submitted,  
FEDERAL PUBLIC DEFENDER  
111 Lomas NW, Suite 501  
Albuquerque, NM 87102  
(505) 346-2489

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*filed electronically*

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*filed electronically*

Michael A. Keefe, AFPD  
Attorney for Defendant

Objected to by:

Karl Acosta  
United States Probation Officer

Joel Myers  
Assistant United States Attorney